

1907-035 Chancery Causes: Bertha M. Maness by & vs. Florence Robinson &
Lee Co.

Johnson

CA - Contract Dispute
T - Property

- Deed

To the Hon. H. A. W. Skeen, Judge of the Circuit Court for Lee County, Virginia.

Humbly complaining, your oratrix, Bertha M. Maness, an infant eighteen years old, who sued by Arthur H. Maness, her husband and next friend, would respectfully represent and show unto your honor, that on the 21st day of July, 1898, J. W. Glass and Rebecca A. Glass his wife, Hiram I. Johnson and Susan A. Johnson, his wife, conveyed by proper deed to your oratrix and Florence Johnson, now Florence Robinson, ^{Laura Johnson} Alpha B. Johnson, and Mattie V. (Alias Motie) Johnson, a certain tract or parcel of land lying and being in the said County of Lee on the waters of the North Fork of Clinch River and known as the Hiram Moore farm, which tract of land is fully described in said deed of conveyance, a copy of which deed is herewith filed as part hereof marked "Exhibit No. 1" /; this tract of land being conveyed jointly to the said parties ^{and} ^{is} which ^{is} now owned by them jointly, and in fee-simple. The said Florence Johnson having since said conveyance married one Floyd Robinson.

Your oratrix is informed and alleges that the effect of said deed was to give to each of the grantees therein ^a one-fifth interest in the said tract of land. Your orator will further represent and show unto your honor, that the said tract of land is as she believes susceptible of partition among the parties entitled thereto.

The object of this bill is to have the said tract of land partitioned among the parties according to their respective interest therein. To this end she makes the said Florence Robinson, Alpha B. Johnson, Laura Johnson, and Mattie V. (alias Motie) Johnson, parties defendants to this bill, and asks that they be required to answer the same, but not under oath, ~~answer~~ under oath being expressly waived; that a proper Guardian Ad Litem be appointed in this cause for said Alpha B. Johnson Laura Johnson and Mattie V. Johnson who are infants under the age of twenty-one years, who shall answer this

bill for them; that proper process issue, and that upon a hearing
the said real estate be divided between the parties entitled thereto
according to their respective interests therein, and that the parties
be decreed to pay the cost of the suit according to their said
interest including an attorney's fee of \$25.00 to Orr & Noel *attys.*
And that your honor grant unto your orator ~~by~~ all such other, further
and general relief as in the premises may be just and right.
And your complainant will ever pray &c.

Orr & Noel. p. g.

Bertha M. Mannes & Co.
vs. { Bellin Chfy.

Florence Robinson et al

1906, 1st Sept Rules Bill
Filed Sfg Green an
Florence Robinson et al.
Mr. G. Ely appd by S. L. for
the Infants, Defts and their
Lives.
" 2nd Sept Rules, D. K. Camp
& Cause set for hearing by
Plaintiff.

Costs:

clerk	\$9.36
Tax	1.50
atty	25.00
Shff.	.50
ga. L.	5.00
comus. &c.	32.00
	<u>\$73.36</u>

Bertha M. Maness by &c.

Plaintiff.

vs.

In Chancery

Florence Robinson, et al,

Defendants.

This cause came on again to be heard upon the papers formerly read in the cause, and the report of Thomas Moore, Abraham Johnson and J. B. Sproles, and plat therewith, of the partition of the tract of land in the bill mentioned, And was argued by counsel. Which report having been filed in the cause December, 11th, 1906, and being unexcepted to, it is adjudged, ordered and decreed that said report and the plat therewith, be and are hereby approved and confirmed. And pursuant to said report and plat it is adjudged, ordered and decreed, that Alpha B. Johnson, take and hold in fee, Lot No. 1, according to the meets and bounds set forth in said report and plat, containing thirty-two acres; that, Florence Robinson, take and hold in fee Lot No. 2, according to the meets and bounds set forth in said report and plat, containing forty-one acres; that, Laura^{D.} Johnson take and hold in fee lot No. 3 according to the meets and bounds set forth in said report and plat, containing forty-one acres; that, Motie V. Johnson take and hold in fee lot. No. 4 according to the meets and bounds set forth in said report and plat, containing thirty-one acres, including house, barn & land, that, Bertha M. Maness take and hold in fee lot No. 5 as shown by the meets and bounds in said report and plat, containing sixty acres, *And it is* further adjudged, ordered and decreed, that the said Alpha B. Johnson, Florence Robinson, Laura D. Johnson, Motie V. Johnson, and Bertha M. Maness, each pay one fifth of the costs of this suit, to be taxed by the clerk, in which shall be included a fee of \$25.00 to Orr & Noel attorneys for plaintiff. And it is further ordered that the clerk of this court, recorded ^{the} in proper deed book *in* his office, the decree

appointing said commissionersto make said partition, the report and plat of said commissioners, and this decree . And nothing further remaining to be done in this cause, the same is ordered to be stricken from the docket, with leave to any party interested to have the same reinstated upon said docket for ^{any} legitimate purpose arising under this decree.

Virginia, Lee County, to-wit:

In the Clerk's office of Lee County, on this the 1st day of March, 1907. The foregoing decrees, commissioners' report and plat were presented, and admitted to record.

Teste: _____, Clerk

Bessie M. Maress
by re.

vs. Deere

Florence Robinson et al.

Entered in C.O.B.

8, page 256 re-

Recorded in Deed
Book 45, page 378 re
Examined Feb. 8, 1907
Indexed.

Enter this decree.

Hawthorne

Feb 18 1907.

Bertha M. Maness, by &c.

Plaintiff.

vs.

In Chancery.

Florence Robinson, et al,

Defendants.

This cause came on to be heard upon the bill of the plaintiff, and exhibit therewith, the answer of the infant defendants by M. G. Ely their Guardian Ad Litem, with replications to said answer, and was argued by counsel. And the defendant Florence Robinson failing to appear plead or answer the bill is taken for confessed against her. On consideration thereof, it is adjudged, ordered and decreed, that Thomas Moore Abraham Johnson & Elias Shovel who are appointed commissioners for the purpose, do go upon the tract of land in the bill mentioned and partition the same among the parties entitled thereto giving to the said Florence Robinson one-fifth thereof in value, quantity, quality, ways water &c. be^{ing} considered and that they give to Alpha B. Johnson one-fifth thereof; to Laura Johnson one-fifth thereof; to Mattie V. (alias Motxie) Johnson one-fifth thereof, and to the plaintiff one-fifth thereof. And that said commissioners report their action hereunder to the next term of the court. And the cause is continued.

Bertha M. Mannes ^{leg}
vs { Decree to 1.
Florence Robinson et al.

Entered in C.O.B. #8,
page 199 &c.

Recorded in Deed
Book 45, page 375;
Examined Mch. 8, 1907
Indexed

Enter this decree
It was shown
Sept 18th 1906.

To the Honorable Judge of the
Circuit Court of Lee County Va

In obedience to an order made at the Septem-
ber term of your Honor's court

We your commissioners did go ^{the} upland in the
bill mentioned viz the land belonging to the
heirs of Hiram Johnson deceased, and after
being duly sworn did on the 31st day of Oct
1906, proceed to survey the entire boundary as
follows Beginning at a Planted rock in place of
a former Whiteoak from thence $N 24^{\circ} E 95^{\circ} 6$ poles to a
Blackoak stump thence $N 77^{\circ} W 9$ poles to a stake thence
 $N 26^{\circ} E 100$ poles to Pointers thence $N 80^{\circ} E 56$ poles
to a Whiteoak thence $N 48^{\circ} E 4^{\circ} 4$ poles to two small
Whiteoaks in S. W. Tonkersleys and with lines
of his $N 74^{\circ} E 13^{\circ} 2$ poles to a stake $N 48^{\circ} E 10$ poles
to a rock $N 65^{\circ} E 10$ poles to two spotted oaks
 $N 88^{\circ} E 8^{\circ} 2$ poles to a stake $N 66^{\circ} E 10$ poles to a
Hickory $N 76^{\circ} E 25$ poles to a pine $N 57^{\circ} E 14$ poles
to a Postoak & Hickory on a high knob thence
North with a line of C. F. Munness's 21 poles
to a Whiteoak thence $N 87^{\circ} W 25$ poles to a stake
thence $N 53^{\circ} W 72^{\circ} 4$ poles to a Chestnut oak corner
to Mc Arwood's land and with his lines $S 74^{\circ} W 45$
poles to a stake $S 55^{\circ} W 11$ poles to a stake $N 76^{\circ} W 23$
poles to a stake $S 43^{\circ} E 18$ poles to a stake $S 75^{\circ} W 20$
poles to a stake $S 30^{\circ} W 6$ poles to two small oaks
 $N 58^{\circ} W 48^{\circ} 2$ poles to a stake near a spring

$N27^{\circ}W19$ poles to Pointers $N22^{\circ}W46$ poles to a Hickory
 and rock near the falls of a branch thence with
 Thomas Johnson's line on the shoulders of a ridge
 $S60^{\circ}W14$ poles to a large chestnut on the end
 of said ridge thence $S7^{\circ}W42$ poles to a Hickory
 oak stump thence $S37^{\circ}W14$ poles to Pointers thence
 $S60^{\circ}W11$ poles to Pointers $S71^{\circ}W5$ poles to a
 Hickory Walnut + Blackoak Pointers $S63^{\circ}W38$ poles
 to Spotted oak White oak + Gum thence $N87^{\circ}W84$ poles
 crossing a branch to two sugar trees and a Birch
 (now down) near some falls of a branch
 thence $S21^{\circ}W30$ poles to a stake on the end of
 a run thence $S15^{\circ}W23$ poles to a Blackoak and
 White oak corner to J. Robinson and with line
 of his $S54^{\circ}E14$ poles to a Red oak $S77^{\circ}E41\frac{1}{2}$ poles
 to a stake $S80^{\circ}E24$ poles to a stake $S75^{\circ}E21$
 poles to a cucumber stump $S8^{\circ}W23$ poles to a
 stake + Pointers $S67^{\circ}E25$ poles to a White oak
 $S24^{\circ}E14$ poles to a Red oak + Rock $S72^{\circ}E4$ poles
 to a Black oak $S33^{\circ}E36$ poles to the Beginning
 Containing about Two hundred and five
 Acres. We then Partitioned the ^{same} into
 five lots as follows

Lot No 1 ^{assign to} Wm. affna S. Johnson Beginning
 a Black oak and White oak on the N. W. corner
 running with line of J. Lyd Robinson $S54^{\circ}E14$ poles
 to a Red oak $S77^{\circ}E41\frac{1}{2}$ poles to a stake $S80^{\circ}E24$

Poles to a stake S75°E 11 poles to a Cucumber stump
 thence with a division line North 30° poles to a
 Hickory N25°E 12 poles to a Pin oak N62°W 12
 poles to a Cedar and rock N45°W 50 poles to
 Spotted oak White oak and gum thence with
 Thomas Degmores line N87°W 34 poles to two Sugar
 trees and Beech near a falls of a Branch
 S21°W 30 poles to a stake S15½°W 23 poles to the Begin-
 ning Containing Thirty-two acres

Lot (No 2) We assign to Florence Robinson
 Beginning at rock in the sout line of said tract
 running S8½°W 32 poles to a Maple + oak S55°W 32
 poles to a stake in a road thence with said road
 N74°W 1 ½ poles to a stake N6½°E 22 poles to a
 stake thence N82°W 74 poles to a Pin oak corner
 to No 1) and with lines of the same S25°W 12
 poles to a Hickory South 30½ poles to a cucum-
 ber stump thence with lines of Floyd Robinson
 S8°W 23½ poles to a stake + Pointers S67°E 25 poles
 to a White oak S24°E 14 poles to a Red oak + rock
 S82°E 4 poles to a Black oak S33°E 8½ poles to Pun-
 ted rock corner to G. W. Tankersleys and with
 his lines N24½°E 5½ poles to Black oak stump
 N77°W 9 poles to a stake N26°E 52 poles to the Be-
 ginning Containing Forty-one acres

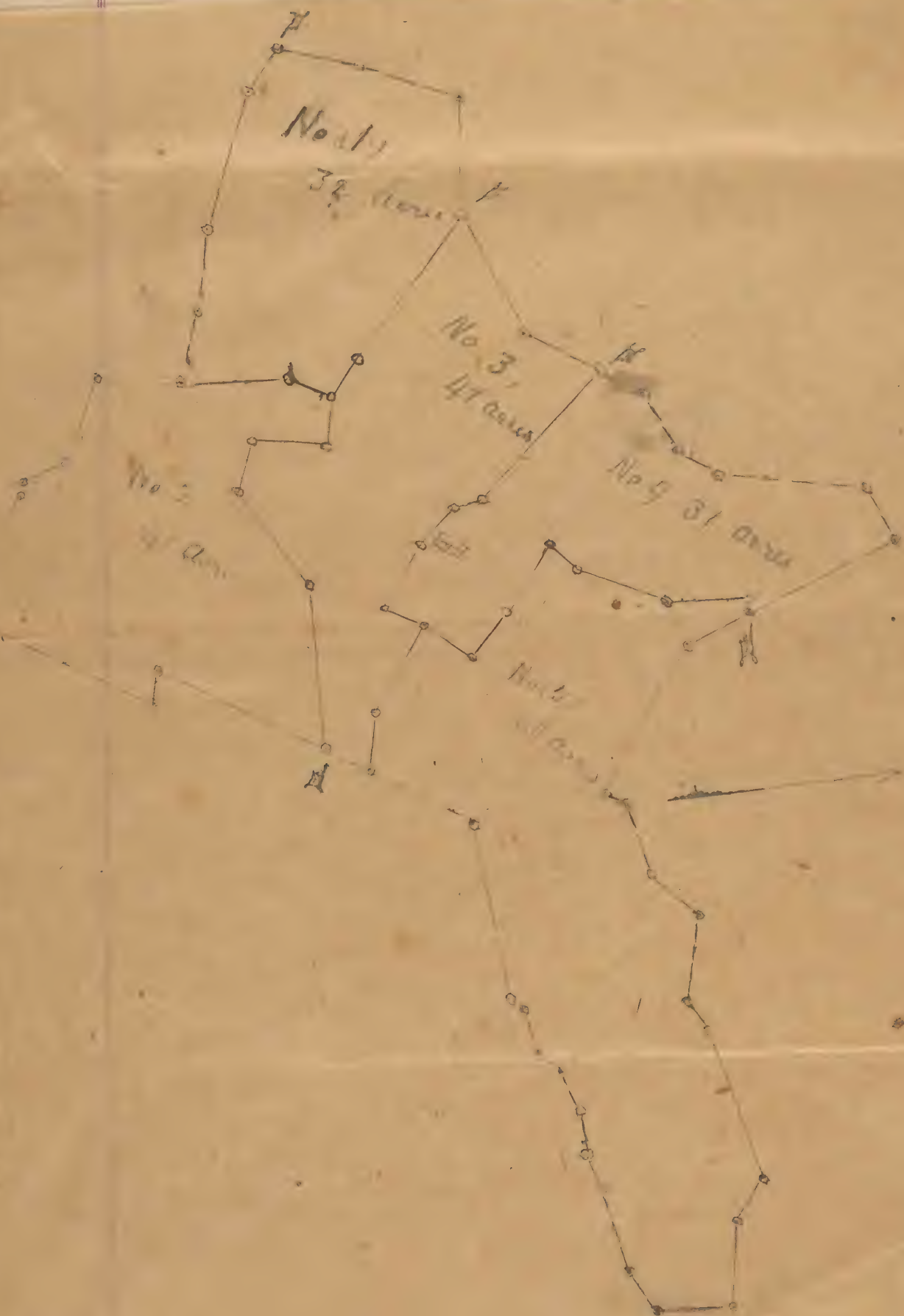
Lot No 3 We assign to Lura E. Johnson
 Beginning at a Spotted oak White and Gum cor

ner to Lot No 1 and with line + the same
 S 45° 03' 00" poles to a cedar and rock S 52° 00' 12" poles
 to a Pin oak corner to No 2 and with of
 line of the same S 82° 00' 14" poles to a stake N 42° 11'
 22" poles to a stake the road S 74° 00' 14" poles to
 a stake in said road N 55° 00' 32" poles to a
 Maple and Black oak N 86° 00' 32" poles a flat
 rock Hence with B. W. Tankersley's line N 26° 00' 12"
 poles to a Black oak N 87° 00' 11" poles to Pointers
 N 37° 00' 28" poles to a stake S 26° 00' 12" poles to a stake
 near a shop N 57° 00' 20" poles to a Walnut N 50° 00'
 4" poles to a Rock N 95° 00' 08" poles to a set-stone
 N 44° 00' 50" poles to a Dog wood in the north line
 of the same Hence S 30° 00' 24" poles to Hickory Walnut
 and Black oak S 63° 00' 38" poles to the Beginning
 Containing Forty one acres

No 4) We assign to Mott W. Johnson
 Beginning at a Dogwood corner to No 3
 and with line of the same (reversed)
 S 44° 00' 50" poles to a set-stone S 15° 00' 18" poles
 to rock S 50° 00' 14" poles to a Walnut S 57° 00' 20"
 poles to a Stake near a Shop N 26° 00' 12" poles
 to a stake N 67° 00' 13" poles to an apple tree
 N 46° 00' 16" poles to a stake at a branch N 52° 00'
 23" poles to a rock N 49° 00' 10" poles to a Cedar
 N 24° 00' 25" poles to a rock in a gully N 17° 00' 24"

poles to a Buckeye at the head of a spring
 N 65° 04 poles to Printers corner Mc Arwoods
 land and with the same N 22° 44½ poles to
 a Hickory and oak at a falls corner to
 the Seymours land and with the same
 S 0° 18 poles to a large chestnut tree on the end
 of a ridge S 1° 42 poles to a Hickory and oak
 stump S 37° 14 poles to Printers S 61° 11 poles to
 Printers S 31° 14 poles to the Beginning
 Containing thirty one acres. Including house
 Barn &c

(No 5) ^{we} Assign to Bertha M. Mearns
 Beginning at Printers corner to Mc Arwood
 and I. T. No 4, S 65° 14 poles to a Buckeye at the
 head of a spring S 24° 12 poles to a rock in a
 gully S 1° 12 poles to a Cedar S 44° 10 poles
 to a rock S 52° 23 poles to a stake at a branch
 S 44° 16 poles to an Apple tree S 67° 13½ poles to
 a stake corner to (No 3) and with the same
 S 59° 28 poles to Printers S 87° 07 poles to a
 Black oak in the said J. W. Tankersley and
 with his lines N 26° 04 poles to Printers N 80° 06
 56 poles to a White oak Thence up a ridge as it
 meanders 94 poles to a Post oak and Hickory
 on top of a high knob Thence with a line of
 C. F. Mearns North 21 poles to a White oak
 Thence N 87° 12 poles to a stake Thence N 55° 12



poles to a Buckeye at the head of a spring
 N⁶⁵ E⁸⁴ poles to Pointers corner McParricks
 land and with the same N²² W⁴⁶ poles to
 a Hickory and rock at a falls corner to
 The Seymours land and with the same
 S¹ W¹⁸ poles to a large chestnut tree on the end
 of a ridge S⁷ W⁴² poles to a Hickory and oak
 stump S³⁷ W¹⁴ poles to Pointers S¹ W¹⁹ poles to
 Pointers S³¹ E¹³ poles to the Beginning
 containing thirty one acres. Including house
 Barn &c

(No 5) ^{we} Assign to Bertha M. Namess
 Beginning at Pointers corner to McParricks
 and Lot (No 4) S⁶⁵ W⁴⁴ poles to a Buckeye at the
 head of a spring S²⁴ W²⁵ poles to a rock in a
 gully S¹ W²⁵ poles to a Cedar S⁴⁴ W¹⁰ poles
 to a rock S³² E²³ poles to a stake at a branch
 S⁴² E¹⁶ poles to an Apple tree S⁶⁷ W¹³ poles to
 a stake corner to (No 3) and with the same
 S³⁷ E²⁸ poles to Pointers S⁸⁷ E¹⁷ poles to a
 Black oak in the said J. W. Tankersley and
 with his lines N²⁶ E⁴⁴ poles to Pointers N⁸⁰ E⁶
 56 poles to a White oak Thence up a ridge as it
 meanders 94 poles to a Post oak and Hickory
 on top of a high knob Thence with a line of
 C. F. Namess North 21 poles to a White oak
 Thence N⁸⁷ W²⁵ poles to a stake Thence N³³ W¹²



poles to a Buckeye at the head of a spring
 N 65° E 4 poles to Pointers corner Mc Arwoods
 land and with the same N 22° W 46 1/2 poles to
 a Hickory and rock at a falls corner to
 Tho Seymours land and with the same
 S 10° W 18 poles to a large chestnut oak on the end
 of a ridge S 7° W 42 poles to a Hickory and oak
 stump S 37° W 14 poles to Pointers S 1° W 19 poles to
 Point S 31° E 13 1/2 poles to the Beginning
 Containing Thirty one acres. Including house
 Barn &c

(No 5) ^{we} Assign to Bertha M. Mearns
 Beginning at Pointers corner to Mc Arwood
 road Lot (No 4) S 65° W 4 poles to a Buckeye at the
 head of a spring S 24° W 25 poles to a rock in a
 gully S 1° W 25 poles to a Cedar S 44° W 10 1/2 poles
 to a rock S 52° E 23 1/2 poles to a stake at a branch
 S 42° E 14 poles to an Apple tree S 67° W 13 1/2 poles to
 a stake corner to (No 3) and with the same
 S 59° E 28 poles to Pointers S 87° E 17 poles to a
 Black oak in the said J. W. Tankersley and
 with his lines N 26° E 44 poles to Pointers N 80° E 6
 56 poles to a White oak Thence up a ridge as it
 meanders 94 poles to a Post oak and Hickory
 on top of a high knob Thence with a line of
 C. F. Mearns North 21 poles to a White oak
 Thence N 87° W 25 poles to a stake Thence N 33° W 12 1/2

No 1)

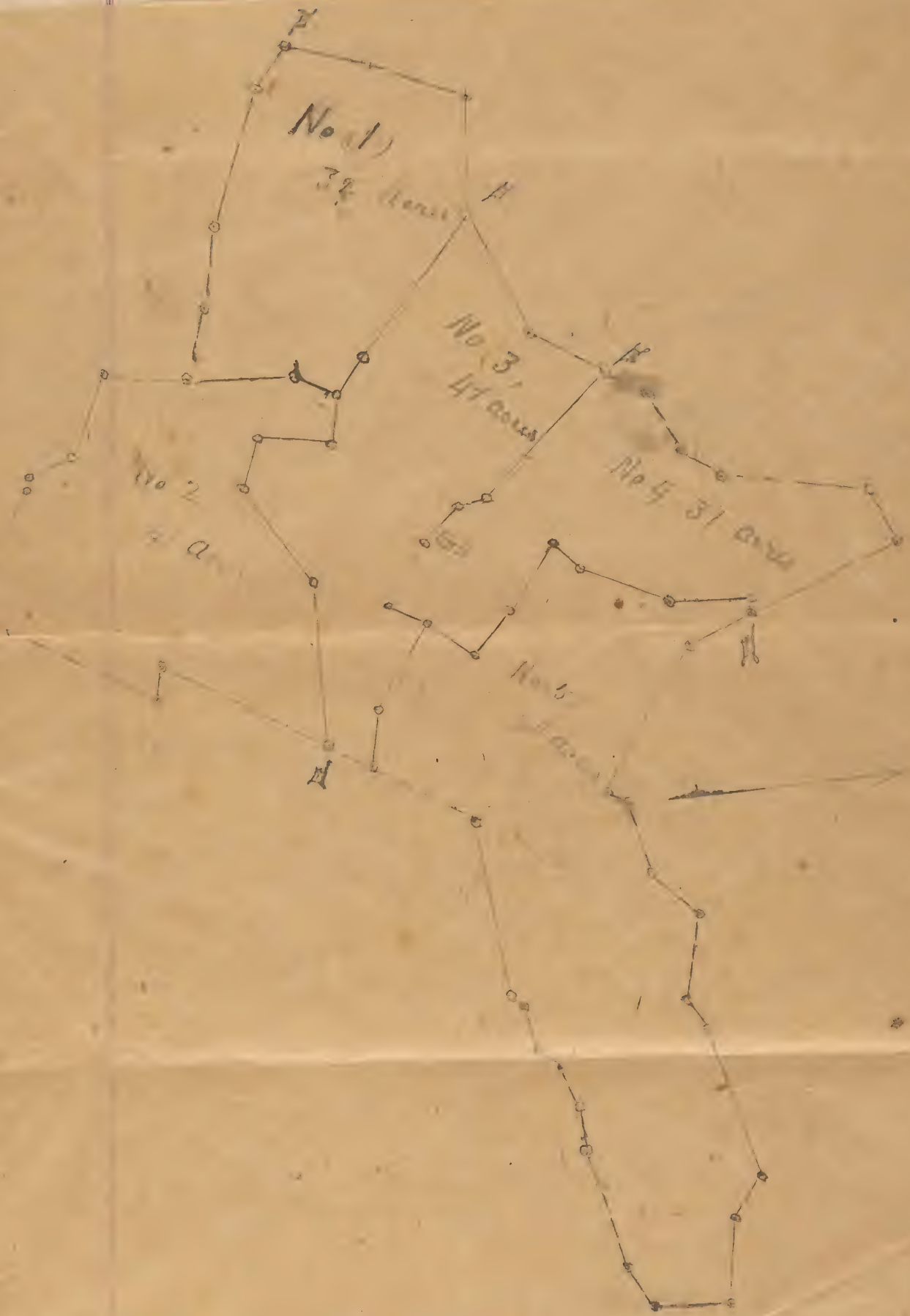
34 acres

No 3,
47 acres

No 4 31 acres

No 2
27 acres

No 5
11 acres



poles to a Chestnut oak corner to the Newwoods
land and with his lines S 74° W 41° poles to a stake
S 55° W 11° poles to a stake N 76° W 23° poles to a stake
S 43° W 18° poles to a stake S 75° W 20° poles to a stake
N 30° W 6° poles to two small oaks N 68° W 44° poles
to a stake near a spring N 27° W 19° poles to the
Beginning containing sixty acres

For further ~~en~~formation see the accompanying
Plan All of which is respectfully submitted

Thomas Moore	commissioner
Abraham Johnson	Fees
J. B. Sprules	\$12.00

all Paid

H. F. Robinson	Chairman
A. H. Mearns	
	Fees
	\$10.00 Paid

Bertha McManess by &c.
vs. Report of Partition
Florence Robinson et al.

Filed Dec. 11, 1906

H.C.T. Ewing,
Clerk.

Recorded in Deed
Book 45, Page 376 &c
Examined Nov. 8, 1907
Indexed

This deed made this the 21st day of July 1898 by and between J. W. Glass and Rebecca A. Glass Hiram I. Johnson and Susan A. Johnson the wife of said Hiram I. Johnson and Rebecca A. Glass the wife of said J. W. Glass, all of the County of Lee and State of Va. of the first part as vendors and Florence Johnson widow of the late H. P. Johnson, Bertha M. Johnson Alpha B. Johnson Laura Johnson and Mattie V. Johnson, The last names being minor heirs of the late H. P. Johnson of ~~K~~awkins County Tenn of the second part as Vendees. Witnesseth that for and in consideration of the sum of fifteen hundred dollars in hand paid and to be farther paid as stipulated in notes of even date of this deed. We the said party of the first part doth sell convey and deliver all of a certain tract or parcel of land situated in Lee County Va. and on the waters of the North fork of Clinch River and known as the Hiram More farm, and now where the said Hiram I. Johnson resides and bounded as follows to wit. Beginning at the same place and the same bearings and the same land as is contained in a Deed from Hiram More and wife to James H. Delph bearing date the 18th day of Feb. 1882 Recorded in Deed Book No. 20 page 83 containing 168 acres Surface measurement, more or less. To have and to hold the same with its appurtenances and all things pertaining thereto, except the growing crop That is now on the said land, and a vendors lien is retained for the benefit of vendors, or anyone for them for any purchase money that may be Due on said lands when a settlement is completed. The beneficiary of said lien is now supposed to be William Willis should he satisfy the full price of said purchases to the said vendors, and we the said party of the first part will warrant generally the title herein contained to the said party of the second part to them their assigns forever. Witness our signatures & seals day and date above written.

J. W. Glass (Seal)

Rebecca A. Glass (Seal)

Hiram I Johnson (Seal)
her

Susan A. x Johnson (Seal)
mark

State of Virginia)
)
Lee County)

I, Jno. M. Tate a Notary Public of said County do certify that J. W. Glass, Rebecca A. Glass, Hiram I. Johnson and Susan A. Johnson whose names are signed to the foregoing deed of conveyance bearing date of July the 21st 1898 all personally appeared before me in my County and acknowledged their signatures to be their act and deed for the purposes set forth therein. Given under my official signature this 17th day of Sept. 1898.

Jno. M. Tate N. P.

Virginia, Lee County, to wit:-

In the office of the Clerk of the County Court for said County the 29th day of June 1899. This deed was presented and together with the certificate thereto annexed admitted to record.

Teste:- S. V. F. Richmond Clerk.

By M. D. Richmond D. C.

A copy,

Teste: H. C. J. Ewing, Clerk.

By M. E. Flaurdy, D. C.

J. W. Glass, et al.
 To 7 Dec 5 -
Florence Johnson, et al.

Copy

Exhibit No. 1

Clerk \$50 Paid.
 by Floy Robinson.

...the names of John and Jane Glass and personally appeared before
 John and Jane Glass, Rebecca A. Glass, Hiram I. Johnson and Susan A.
 Lee County
 State of Virginia)
 I, Geo. W. Tate a Notary Public of said County do hereby

A copy,

Teste: _____, Clerk.

W. _____, D. C.

1905

STATHMO

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

Florence Robinson, Alpha B. Johnson, Lusa Johnson & Matie Johnson

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on the *1st* Monday in *September*, 190*6*, to answer a bill in chancery exhibited against *them*

by Bertha M. Maness, an infant under 21 years of age, who sues by Arthur S. Maness, her husband and next friend.

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *29*" day of *August*, 190*6*, and 1 *31*" year of the Commonwealth.

A Copy, Teste:

H. C. T. Ewing, Clerk.

_____, Clerk.

Bertha M. Mauser, by &c.

VS

}

SUBPOENA
IN
CHANCERY.

Florence Robinson, et al.

Orin & Noel, p. q

To 1st Sept. Rules.

Lee Circuit Court.

1906,

Executed on the 31 day August
1906 by delivering a true
copy of the within-

Summons to Florence
Robinson D. H. Mohan D. J.
for Pm. Ball D. J. cost 50